

IN RE: PETITION FOR ADMIN. VARIANCE

*

BEFORE THE

N/S Francis Green Circle, 35 ft. E of
The c/l of Boundbrook Way
15th Election District
5th Councilmanic District
1 Francis Green Circle
Terry A. King, et ux,
Petitioner

*

ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 99-95-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Terry King and Mary J. King, his wife, property owners, for that property known as 1 Francis Green Circle in the eastern section of Baltimore County. The Petitioners herein seek a variance from Section 504 of the Baltimore County Zoning (BCZR) to allow a sideyard setback on a corner lot of 11 ft., in lieu of the required 25ft., for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R.

Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of October, 1998 that the Petition for an Administrative Variance from Section 504 of the BCZR to allow a sideyard setback on a corner lot of 11 ft., in lieu of the required 25ft., for an addition., be and is hereby GRANTED, subject to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmn

ORDER REJECTED FOR FILING
10/6/98
[Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 2, 1998

Mr. and Mrs. Terry A. King
1 Francis Green Circle
Baltimore, Maryland 21221

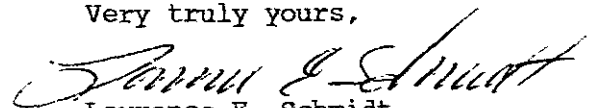
RE: Petition for Administrative Variance
Case No. 99-95-A
Property: 1 Francis Green Circle

Dear Mr. and Mrs. King:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1 FRANCIS GREEN CIRCLE
which is presently zoned FR-S.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504 (VB 6A, 9 CADD).

To allow a side yard setback on a corner lot of 11 ft. in lieu of the minimum required 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

see reverse side

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury that we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

TERRY A. KING

(Type or Print Name)

Terry A. King

Signature

MARY J. KING

(Type or Print Name)

Mary J. King

Signature

1 FRANCIS GREEN CIR. 410-574-9143

Address

Phone No

BALTO.

City

MD

State

21221

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required it is ordered by the Zoning Commissioner of Baltimore County this ____ day of _____ '99 that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County in two newspapers of general circulation throughout Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JA

DATE: 9-2-98

ESTIMATED POSTING DATE: 9/13



Printed with Soybean Ink
on Recycled Paper

ITEM # 95
99-95-A

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1 FRANCIS BREEN CIRCLE
address
BALTO MD 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

AN ADDITIONAL BEDROOM WITH SITTING AREA
IS NEEDED FOR THE PARENT WHO RECENTLY
MOVED IN WITH AFFIANTS DUE TO DETERIATING
HEALTH CAUSING SEVERAL MEDICAL PROBLEMS.
THE ROOM IS NEEDED ON THE MAIN FLOOR.
TO AVOID STEPS.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Terry A. King
(signature)
TERRY A. KING
(type or print name)



Mary J. King
(signature)
MARY J. KING
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of August, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Terry A. King and Mary J. King

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/17/98
date

Chris Ellen Thompson
NOTARY PUBLIC

My Commission Expires: 2/1/99

A-2P-PP

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1 FRANCIS GREEN CIRCLE
address
BALTO MD 21221
City State Zip Code

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IS NEEDED FOR THE PARENT WHO RECENTLY
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THE ROOM IS NEEDED ON THE MAIN FLOOR.
TO AVOID STEPS.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Terry A. King
(signature)
TERRY A. KING
(type or print name)



Mary J. King
(signature)
MARY J. KING
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of August, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Terry A. King and Mary J. King

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/17/98
date

John Ellen Thompson
NOTARY PUBLIC

My Commission Expires: 2/1/99

A-29-98



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

1 FRANCIS GREEN CIRCLE

which is presently zoned DR-5.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504 (VB 6A, 9, CMDF)

To allow a side yard setback on a corner lot of 11 ft. in lieu of the minimum required 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE AFFIDAVIT.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition)

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

TERRY A. KING

(Type or Print Name)

Terry A. King

Signature

MARY J. KING

(Type or Print Name)

Mary J. King

Signature

1 FRANCIS GREEN CIR. 410-574-

Address

Phone No

BALTO

City

MD

State

21221

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature]

DATE: 9-2-98

ESTIMATED POSTING DATE: 9/13



Printed with Soybean Ink
on Recycled Paper

ITEM #: 95

99-95-A

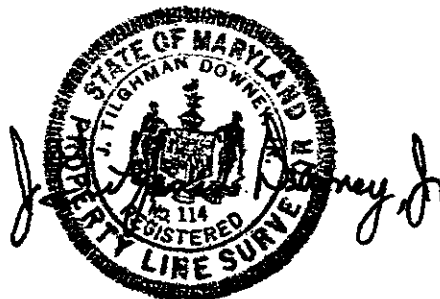
M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21286

95

ZONING DESCRIPTION FOR #1 FRANCIS GREEN CIRCLE

BEGINNING at a point on the north side of Francis Green Circle which is 50 feet wide at the distance of 35 feet east of the centerline of Boundbrook Way which is 50 feet wide. Being Lot #54 in the Subdivision of Woodward Square as recorded in Baltimore County Plat Book #62, folio #20, containing 6695 square feet. Also known as #1 Francis Green Circle and located in the 15th. Election District, 5th. Councilmanic District.



J. Tilghman Downey, Jr.

99-95-A

BALTIMORE COUNTY, MARYLAND AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item No. ⁹⁵ 854708

DATE 9-2-98 ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Jeff Hoyt

FOR: Residential Variance Filing Fee
(#1 Francis Green Cir)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
9/02/1998 9/02/1998 11:12:21
REG 0003 CASHIER PUES PEW DRIVER
5 MISCELLANEOUS CASH RECEIPT

Receipt # 056911

CR NO. 056702

50.00 CHECK: FM

Baltimore County, Maryland

99-95-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 99-95-A
Petitioner/Developer:
(T. A. King)
Date of ~~Hearing~~/Closing:
(Sept. 28, 1998)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____

1 Francis Green Circle Baltimore, Maryland 21221 _____

The sign(s) were posted on _____ Sept. 11, 1998 _____
(Month, Day, Year)

Sincerely,

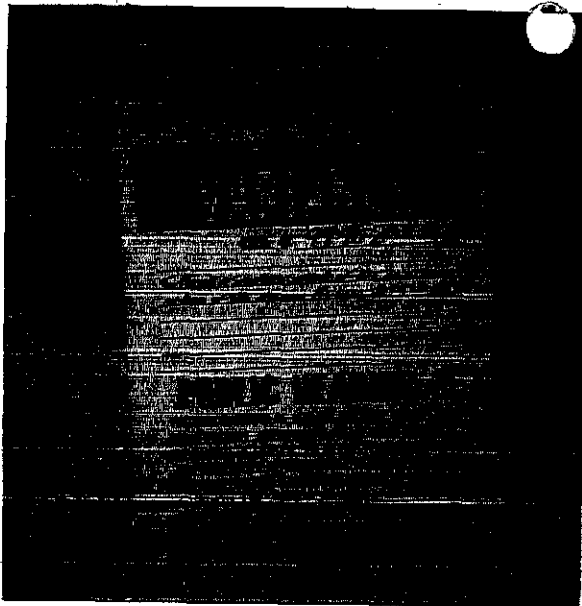

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8485
(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 99- 95 -A Address #1 Francis Green CircleContact Person: John Sullivan Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 9-2-98 Posting Date: 9-13-98 Closing Date: 9-28-98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 99- 95 -A Address #1 Francis Green CirclePetitioner's Name T. A. King Telephone (410) 524-9143Posting Date: 9-13-98 Closing Date: 9-28-98Wording for Sign: To Permit a sideyard setback of 11 ft. on a corner lot in lieu of the minimum required 25 ft.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 95 Petitioner: Terry King
Location: #1 Francis Green Circle

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Terry and Mary King
ADDRESS: #1 Francis Green Circle
Baltimore, MD 21221

PHONE NUMBER: (410) 524-9143 H
" 668-5776 (B) - Terry

99-95-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 28, 1998

Mr. & Mrs. Terry King
1 Francis Green Circle
Baltimore, MD 21221

RE: Item No.: 95
Case No.: 99-95-A
Location: 1 Francis Green
Circle


Dear Mr. & Mrs. King:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on September 2, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 23, 1998

FROM: *pub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 21, 1998
Item Nos. 091, 092, 093, 095, 096,
097, 098

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0921.NOC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 9.11.98

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 095 JJS

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

L. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM
FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

DATE: 9/17/98

SUBJECT: Zoning Advisory Committee
Meeting Date: 9/14/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 92
93
(95)
98
99
100

RBS:sp

BRUCE2/DEPRM/TXTSBR

AV
9/28/98

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: September 11, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

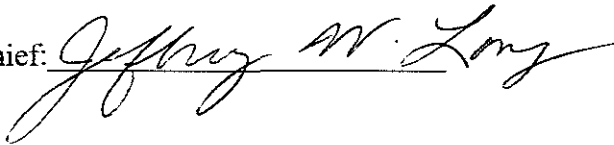
SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item No. 95, 96, 97, 99, and 100

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief:



AFK/JL



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

September 15, 1998

TO: Arnold Jablon, Director
Permits and Development Management
MAIL STOP-1105

FROM: LT. ROBERT P. SAUERWALD
FIRE MARSHAL OFFICE
MAIL STOP - 1102F, PHONE 887-4881

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 14, 1998.

Item No.: SEE BELOW

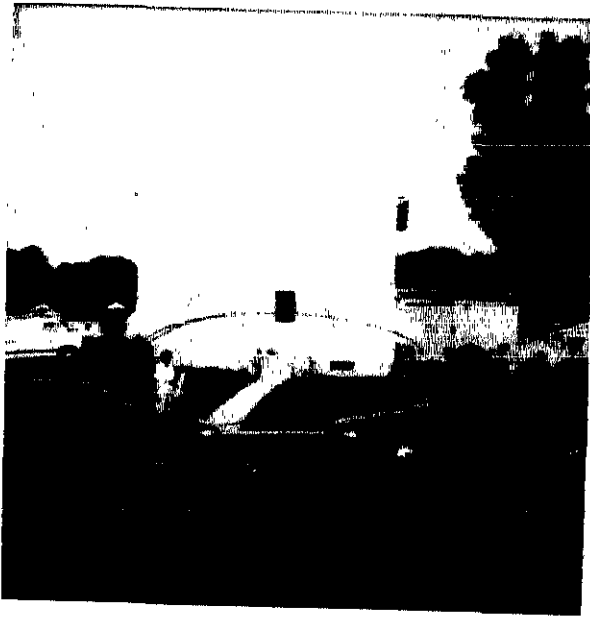
Zoning Agenda:

Gentlemen:

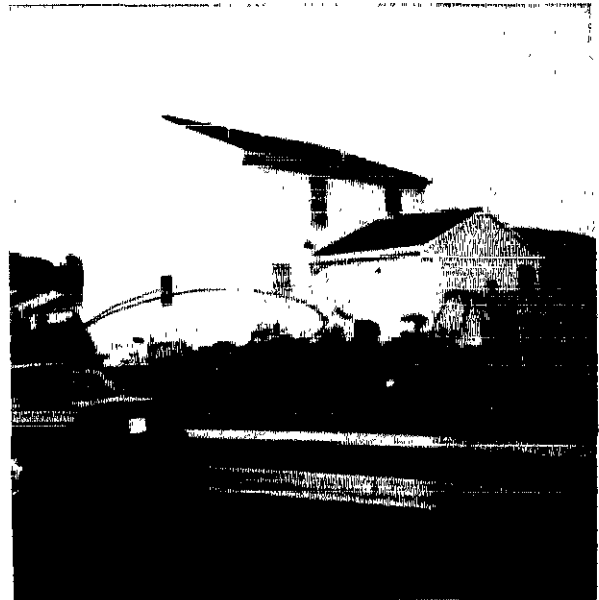
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 091, 092, 093,
094, (095) 096, 097, 099 AND 100.

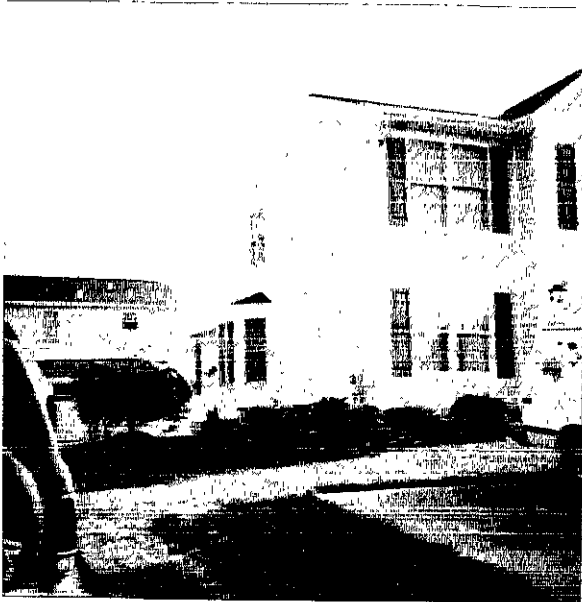




PROPOSED ADDITION THIS SIDE.
RIGHTSIDE 95



PROPOSED ADDITION THIS SIDE.
RIGHTSIDE/BACK 95

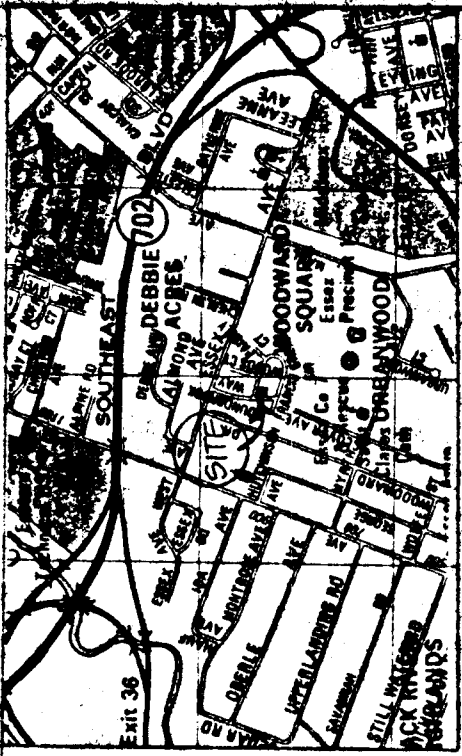


LEFTSIDE 95



FRONT 95

99-95-A



VICINITY MAP: SCALE: 1"=2000'

LOCATION SURVEY

1. ZONING: D.R. 5.5
2. 1"=200' SCALE MAP: N.E. 2-G
3. COUNCILMANIC DISTRICT: 5
4. LOT SIZE: 0.153 ACREAGE 6695 SQUARE FEET
5. PUBLIC WATER & SEWER
6. NOT LOCATED IN CHESAPEAKE BAY CRITICAL AREA
7. PRIOR ZONING HEARING: NONE
8. NOT LOCATED IN FLOODPLAIN AREA

* SIDEYARD OF 11 IN LIEU OF THE REQUIRED 25'

PLAT TO ACCOMPANY PETITION FOR AN ADMINISTRATIVE VARIANCE FOR SIDEYARD SETBACK *

#1 FRANCIS GREEN CIRCLE LOT 54

"WOODWARD SQUARE" (02-20) ELECTION DISTRICT N° 15 BALTIMORE CO, MD AUGUST 26, 1998

OWNER: TERRY & MARY KING
FRANCIS GREEN CIRCLE
BALTIMORE, MD 21221

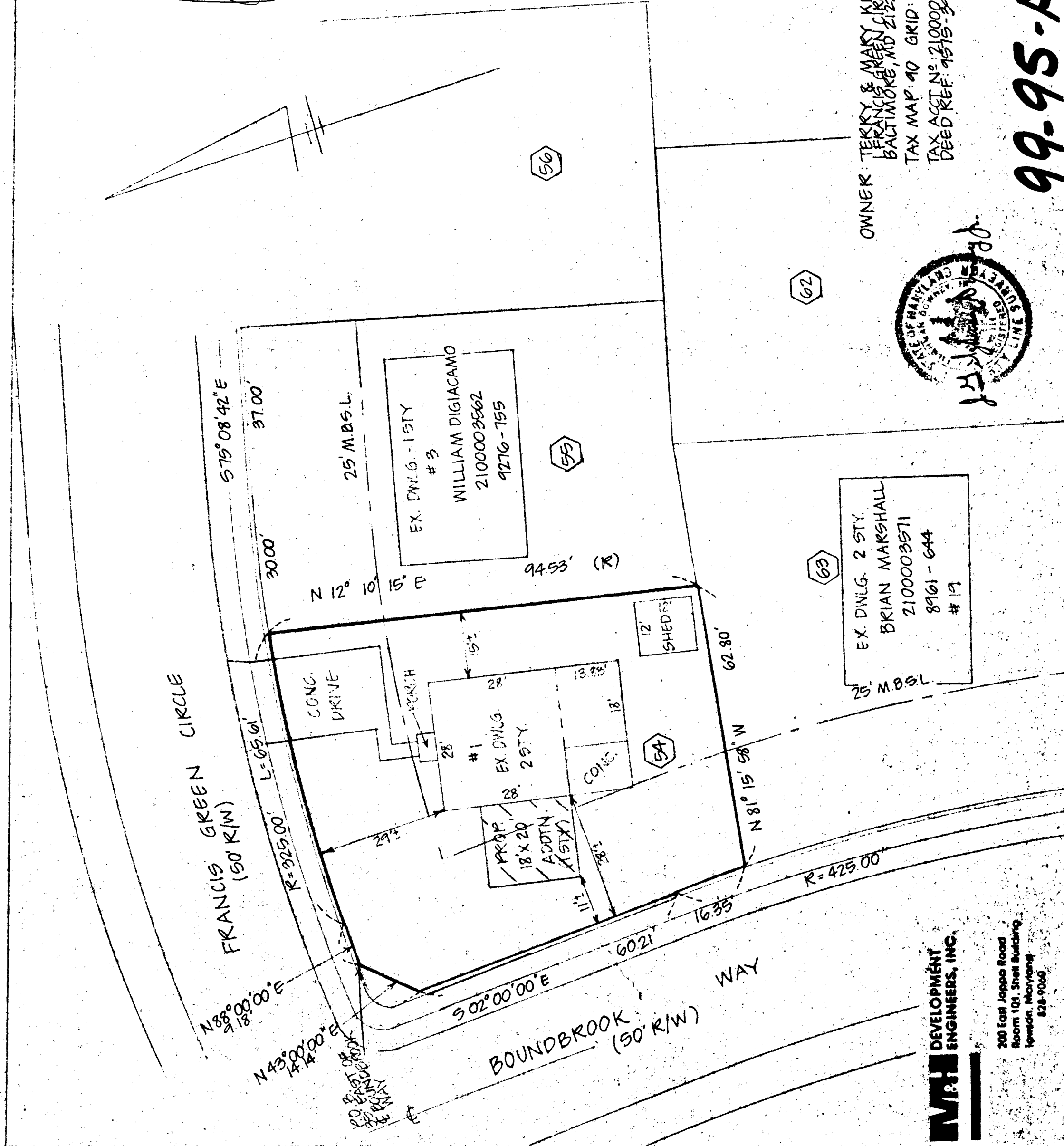
TAX MAP: 40 GRID: 20 PARCEL: 466

TAX ACCT N°: 2100003562
DEED REF: 9375-342



99-95-A

ZONING OFFICE USE ONLY	
REVIEWED BY	ITEM N°
CASE N°	95
SCALE: 1"=20'	98-8078



M.H. DEVELOPMENT ENGINEERS, INC.

200 East Joppo Road
Room 101, Steel Building
Lansdown, Maryland
228-9060

#95



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION		SHEET
1" = 200' ±		ESSEX		N.E. 2-G
DATE OF PHOTOGRAPHY JANUARY 1986		99-95-A		

